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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,372	02/12/2004	Ward S. Foster	200300433-1	4588

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EXAMINER

RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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03/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/777,372	Applicant(s) FOSTER ET AL.	
	Examiner Vincent Rudolph	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9,12,17,18 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,12,17,18 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 7-9, 17-18 and 25-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Gunji (Pub. # 20030065755).

Regarding claim 1, Gunji (Pub. # 20030065755) discloses a system (**See Figure 1**) that includes a server (management system, **See Figure 1, Element 10**) configured to be coupled in data communication with a network (over a network LAN, **See Figure 1**), such that the server being configured to: maintain a database (driver database, **See Figure 2, Element 22**) having a plurality of data records (printer drivers for the printers according to the requirements, **See Figure 1; Page 3, Paragraph 0049**), wherein each of the plurality of data records includes a printer type identification (either PRT1 and PRT2, **See Page 3, Paragraph 0049**), one or more substitute printer driver identifications associated with the printer type identification (an updated version of the printer driver if available, **See Page 3, Paragraph 0051**, depending on the user information such as the operating system and version, **See Page 1, Paragraph 0004**), and a compatibility rating associated with each substitute printer type identifications (the driver that is most compatible for the user is dependent upon the selected printer and the user's operating system, **See Page 1, Paragraph 0004**), communicate one of the

Art Unit: 2625

plurality of data records via the network and receive a response identifying a selected one of the plurality of substitute printer driver identifications included in the communicated data record (communicates the printer names via the network in order for the user to select a driver for the desired printer based on the client's platform, **See Page 6, Paragraph 0079**), and cause a printer driver identified by the selected substitute printer driver identification to derive print ready data file for future print requests directed to a printer of the particular type identified by the printer type identification that is associated with the selected substitute printer driver identification (installs the printer driver so that the client is enabled to perform printing operation with the specified printer for future print requests, **See Page 6, Paragraph 0079**).

Regarding claim 2, Gunji (Pub. # 20030065755) discloses a printer (**See Figure 1**) configured to be coupled in data communication with the network (**See Figure 1**), the printer defining a printer type substantially equivalent to the printer type identification of at least one of the plurality of data records (PRT1 and PRT2 information is stored in the management system for supplying the client computer with a correct printer driver for the corresponding printer, **See Page 3, Paragraph 0049**).

Regarding claim 3, Gunji (Pub. # 20030065755) discloses that the server includes, for each substitute printer identification, a printer driver identified by that substitute printer driver identification (drivers are supplied for printers depending upon the operating system of the client computer as well as the current driver version included within the client computer, **See Page 1, Paragraph 0004**).

Regarding claim 4, Gunji (Pub. # 20030065755) discloses that the server is defined by a mobile enterprising printing server (a management system, **See Figure 2**, which is used for storing and supplying printer drivers for the client computer, **See Page 3, Paragraph 0049**).

Regarding claim 5, Gunji (Pub. # 20030065755) discloses a use computer (**See Figure 1**) configured to be coupled in data communication with the network (**See Figure 1**), the user computer is configured to receive a data record communicated by the server (receive the printer drivers corresponding to a selected printer, **See Page 3, Paragraph 0049**), and communicate a response to the server, such that the response identifies a selected one of the plurality of substitute printer driver identification included in the received data record (select a driver corresponding to the client computer's operating system as well as other criteria, **See Page 1, Paragraph 0004**).

Regarding claim 7, Gunji (Pub. # 20030065755) discloses that the server is further configured to receive an update command (once the user requests a printer driver, the management system issues a check to see for an updated version, **See Page 5, Paragraph 0076**), download one or more data records available from an Internet website (downloads the printer driver if an updated version is available, **See Page 5-6, Paragraph 0077**), and amend the database in accordance with the one or more downloaded data records (downloads and stores the updated version of the printer driver, **See Page 5-6, Paragraph 0077**).

Regarding claim 8, Gunji (Pub. # 20030065755) discloses the server is configured to amend by adding at least one of the one or more downloaded data

Art Unit: 2625

records to the database (adds the record of the updated version of the printer driver to the management system, **See Page 5, Paragraph 0076**).

Regarding claim 9, Gunji (Pub. # 20030065755) discloses the server is configured to download the one or more data records in accordance with a comparison between the data records available from the Internet website and the database (compare the printer driver version in the management system to the attribute information received from the printer driver Web server, **See Page 5, Paragraph 0075-0076**).

Regarding claim 18, Gunji (Pub. # 20030065755) discloses causing the printer of the particular type to image the print ready data file on sheet media (enable a printing operation to be performed with the specified printer, **See Page 6, Paragraph 0079**).

Regarding claims 17 and 25-27, the rationale provided in the rejection of claims 1-9 is incorporated herein. In addition, the system of claims 1-9 corresponds to the method of claims 17, the apparatus of claims 25 (includes a computer-readable storage medium, which is overseen by a controller, **See Figure 2, Element 12**) and 26 as well as the system of claim 27 and performs the steps disclosed herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji (Pub. # 20030065755).

Regarding claim 12, Gunji (Pub. # 20030065755) does not fully disclose that the compatibility rating is defined by a percentage rating, but it would have been obvious to include a percentage rating. The reason is it allows a user to know why the particular driver is not compatible. For instance, if a user is running the Windows XP operating system, and a compatible driver listed for the selected printer is one for the Windows 98 operating system, the compatibility for the user is zero percent. Thus, it allows the user to know how compatible a corresponding driver is for the selected printer. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a compatibility rating, and incorporate it into the system of Gunji (Pub. # 20030065755) because it prevents a user from unknowingly downloading a printer driver that is not compatible with the operating system running on the client computer.

Response to Arguments

The applicant argues that the prior art does not disclose a server configured to maintain a database containing data records, including a printer type identification, a plurality of substitute printer driver identifications associated with the printer type identification, and a compatibility rating associated with each substitute printer driver identifications. Gunji discloses having a server (**See Figure 1, Element 10**) configured to maintain a database (**See Figure 2, Element 22**) having a plurality of data records, such as printer drivers related to the printers (**See Figure 1; Page 3, Paragraph 0049**),

Art Unit: 2625

wherein each of the plurality of data records includes a printer type identification, such as selecting either PRT1 and PRT2 (**See Page 3, Paragraph 0049**), one or more substitute printer driver identifications associated with the printer type identification, such as an updated version of the printer driver if available (**See Page 3, Paragraph 0051**) or another version depending upon the user information such as the client's operating system (**See Page 1, Paragraph 0004**), and a compatibility rating associated with each substitute printer type identifications, such as the driver that is most compatible for the user depending upon the selected printer, the current version, and the user's operating system (**See Page 1, Paragraph 0004**). By maintaining the server, a user is able to communicate with it via the network in order for the user to select a driver for the desired printer based on the client's platform (**See Page 6, Paragraph 0079**). Thus, the prior art of Gunji does meet the limitations of the amended claims as disclosed within rejection above.

Based on these facts, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2625

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2625

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph
Examiner
Art Unit 2625

/Vincent Rudolph/
Acting Examiner of Art Unit 2625

/David K Moore/
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